

CITY COUNCIL, CITY OF LODI
 CARNEGIE FORUM, 305 WEST PINE STREET
 WEDNESDAY, OCTOBER 21, 1992
 7:30 P.M.

ROLL CALL

Present: Council Members - Hinchman, Pennino,
 Sieglock, Snider, and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City
 Manager Glenn, Community Development
 Director Schroeder, Public Works Director
 Ronsko, City Attorney McNatt, and City Clerk
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INVOCATION

The invocation was given by Pastor Boyd Patterson, Zion
 Christian Fellowship.

PLEDGE OF
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

PRESENTATIONS

Mayor Pinkerton announced that October 18 - 26, 1992 is
 "National Business Women's Week" and that he had the
 pleasure of presenting an appropriate proclamation earlier
 to the Lodi Business and Professional Women's Club.

COMMENTS BY THE PUBLIC

There were no persons in the audience wishing to present
 comments under this segment of the agenda.

CONSENT CALENDAR

In accordance with report and recommendation of the City
 Manager, Council, on motion of Mayor Pro Tempore
 Pennino, Hinchman second, approved the following items
 hereinafter set forth with the following items being
 removed from the agenda:

- a) Agenda item #F-7 entitled, "Final Map and
 Improvement Agreement for Johnson Ranch,
 Unit No. 2, Tract No. 2586";
- b) Agenda item #F-14 entitled, "Set public
 hearing for November 18, 1992 for amendment
 of garbage ordinance to include industrial
 waste and to amend the franchise agreement
 with Sanitary City Disposal Company"; and
- c) Agenda item #F-15 entitled, "Salary
 adjustments for members of the Firefighters
 Unit".

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CLAIMS CC-21(a) Claims were approved in the amount of \$1,946,827.05.

MINUTES No minutes were presented for approval.

CONTRACT AWARD FOR LANE LINE PAINTING,
VARIOUS STREETS, 1992

RESOLUTION NO. 92-173

CC-12(a) The City Council adopted Resolution No. 92-173 awarding
CC-300 contract for lane line painting, various streets, 1992 to
Traffic Limited, Lodi, California, in the amount of
\$18,788.34.

This project provides painting of lane lines on arterial
and collection streets on an annual basis and approximately
50 percent of lane lines on residential streets. Bids were
opened on September 30, 1992 and four bids were received.
The cost of painting a mile of lane line has decreased
approximately six percent since the last time the City
requested bids, which was September 1991.

Following is a tabulation of the bids received for your
information:

Traffic Limited, Lodi, California	\$18,788.34
Central Striping, Rancho Cordova, California	21,079.30
Chrisp Company, Fremont, California	21,951.60
A & B Sealing, Sacramento, California	33,605.80

ACCEPTANCE OF IMPROVEMENTS UNDER CHURCH
STREET PARKING LOT EXPANSION, 100'
N/PINE STREET - ALLEY/NORTH

CC-90 The City Council accepted the improvements under the
"Church Street Parking Lot Expansion, 100' N/Pine Street -
Alley/North" contract, and directed the Public Works
Director to file a Notice of Completion with the County
Recorder's office.

The contract was awarded to A. M. Stephens Construction of
Rio Vista on July 15, 1992 in the amount of \$40,651.25.
The contract has been completed in substantial conformance
with the plans and specifications approved by the City
Council.

The contract completion date was September 23, 1992, and
the actual completion date was September 7, 1992. The
final contract price was \$46,250.21. The difference
between the contract amount and the final contract price is
mainly due to underestimating the tonnage of asphalt

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concrete needed for the project and a contract change order that was issued to abandon the old septic tank.

The \$3,000.00 appropriation from the Gas Tax Fund will pay for the paving in the alley right-of-way which is now being used as the driveway. The exact Gas Tax Fund will be determined by the Finance Director.

The \$1,500.00 appropriation from the General Fund will pay for the balance of the project.

PURCHASE OF ONE-TON DUMP TRUCK,
STREET DIVISION

RESOLUTION NO. 92-174

CC-12(d) The City Council adopted Resolution No. 92-174 approving the
CC-300 purchase of a one-ton dump truck for the street division from Geweke Ford of Lodi, the low bidder, in the amount of \$23,420.54.

Funds to purchase a one-ton dump truck for the street division maintenance crews were approved in the 1992/93 operations/maintenance budget. This vehicle will replace truck #54, a 1980 Chevrolet pickup with 129,000 miles on the odometer. The unit will be used by crews to haul street material and tow equipment on a daily basis.

Bids were opened on October 6, 1992 and ten bids were received from eight bidders as set forth below:

<u>Bidder</u>	<u>Amount</u>
Geweke Ford, Lodi	(Bid #1) \$23,420.54
S & C Motors, San Francisco	24,423.70
Stan Morri Ford/Chrysler, Tracy	(Bid #1) 25,294.31
Sanborn Chevrolet, Inc., Lodi	25,527.05
Stockton F. B. Hart Co., Stockton	25,761.79
Geweke Ford, Lodi	(Bid #2) 25,826.60
Country Ford, Modesto	25,981.76
Stan Morri Ford/Chrysler, Tracy	(Bid #2) 27,279.07
Swift Dodge, Sacramento	28,744.47
Weil Motors, Inc., Lodi	29,246.35

PURCHASE OF CUSHMAN UTILITY VEHICLE
FOR THE PARKS DEPARTMENT

RESOLUTION NO. 92-175

CC-12(d) The City Council adopted Resolution No. 92-175 authorizing
CC-300 the purchase of one Cushman Utility Vehicle from the low bidder, Duke Equipment and Irrigation, Inc. of Rancho Cordova, in the amount of \$11,008.98.

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On August 19, 1992, the City Council approved specifications and authorized advertisement for bids for one Cushman Utility Vehicle. Proposals were received from two bidders, and were opened on October 7, 1992. Results of the bid were as follows:

Duke Equipment & Irrigation, Rancho Cordova	\$11,008.98
West Star Distribution, Hayward	11,644.54

This unit will replace the Cushman vehicle damaged in a November, 1991 accident.

FINAL MAP AND IMPROVEMENT AGREEMENT FOR
JOHNSON RANCH, UNIT NO. 2, TRACT NO.
2586 REMOVED FROM THE AGENDA

Agenda item #F-7 entitled, "Final Map and Improvement Agreement for Johnson Ranch, Unit No. 2, Tract No. 2586 was removed from the agenda.

DEFERRAL AGREEMENT FOR SIDEWALK REPAIR AT
28 NORTH SCHOOL STREET, LODI APPROVED

RESOLUTION NO. 92-177

CC-90 The City Council adopted Resolution No. 92-177 approving
CC-300 the Improvement Deferral Agreement for sidewalk repair at
 28 North School Street, Lodi, California, and directed the
 City Manager and City Clerk to execute the Improvement
 Deferral Agreement on behalf of the City.

On December 12, 1991, an application was filed for a building permit for a tenant improvement consisting of a restaurant remodel at 28 North School Street. As a condition of the issuance of a building permit for the tenant improvement, and per our existing policy, the Public Works Department required that damaged sidewalk be repaired and that the existing service elevator doors in the sidewalk be abandoned or replaced (Lodi Municipal Code 15.44.030 and 15.44.050). Due to financial considerations, the owner has requested final inspection and issuance of a Certificate of Occupancy for the tenant improvements prior to the completion of the above-mentioned repairs. The Public Works Department offered to defer the sidewalk and service elevator repair work for six months provided the owner would enter into an Improvement Deferral Agreement with the City (Lodi Municipal Code 15.44.040). The owners, Paul K. and Christine Tsampis, have signed the agreement in which they agree to pay for and complete the repairs to damaged sidewalks in conformance with City standards, including replacement or abandonment of the damaged service elevator doors in the sidewalk, within the time period mentioned above. The executed agreement will be recorded

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and run with the land and shall be binding on the successors, heirs, or assigns of the current owners.

PROGRAM SUPPLEMENT TO LOCAL AGENCY-STATE
AGREEMENT FOR TRAFFIC SIGNAL AT
CHEROKEE LANE/HALE ROAD

RESOLUTION NO. 92-178

CC-7(f) The City Council adopted Resolution No. 92-178 approving
CC-300 Program Supplement No. 034 to the Local Agency-State
Agreement and authorized the City Manager and City Clerk to
execute the agreement on behalf of the City.

This agreement covers the use of Federal Surface Transportation Program (STP) funds for the installation of the traffic signal at Cherokee Lane and Hale Road. The Federal funds will cover 100 percent of at least \$100,000 of the preliminary engineering, contract, and construction engineering.

The plans and specifications for this project are now being reviewed by Caltrans.

ADDITION OF SECTION 10.16.015 TO THE LODI
MUNICIPAL CODE, TRAFFIC REGULATIONS
ON STATE HIGHWAYS

ORDINANCE NO. 1557 INTRODUCED

CC-7(f) The City Council introduced Ordinance No. 1557 entitled,
CC-48(a) "An Ordinance of the City Council of the City of Lodi
CC-149 Amending Lodi Municipal Code Chapter 10.16 By Adding a New
Section 10.16.015 Relating to Traffic Regulations on State
Highways".

The City Council was advised that Title 10 (Vehicles and Traffic) of the Lodi Municipal Code currently lacks the clause required by the State of California, Department of Transportation, dealing with the regulation of traffic on State highways. To address these regulations, staff recommends that the following clause, adopted from the Caltrans Traffic Manual, be added.

Section 10.16.015

"Any provision of this ordinance which regulates traffic or delegates the regulation of traffic upon State highways in any way for which the approval of the Department of Transportation is required by State law, shall cease to be operative six months after receipt by the City Council of written notice of withdrawal of approval of the Department of Transportation."

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"Whenever this ordinance delegates authority to a city officer, or authorizes action by the City Council to regulate traffic upon a State highway in any way which by State law requires the prior approval of the Department of Transportation, no such officer shall exercise such authority nor shall such action by the City Council be effective with respect to any State highway without the prior approval in writing of the Department of Transportation when and to the extent required by the Vehicle Code."

COUNCIL AUTHORIZES CONTINUED RETENTION
OF DUFOUR AND ASSOCIATES FOR ASSISTANCE
WITH DBCP REGULATIONS

CC-90

The City Council authorized the continued retention of Dufour and Associates for assistance with DBCP regulations and approved an appropriation of \$11,000 from the Water Operating Reserve to cover this expenditure.

The City Council was reminded that at the meeting of April 15, 1992, it authorized retention of the firm of Dufour & Associates to assist in seeking administrative remedies in handling the City's DBCP problems. As pointed out at that time, it appears to be in the City's best interest to pursue both the suit for damages being handled by the law firm of Miller & Rolfe, and also this administrative approach to deal with the situation. The Council approved retaining Dufour & Associates, with expenditures not to exceed \$10,000.

Since April, Mr. Dufour has worked extensively with the State Department of Health Services (DHS) and other regulatory agencies as well as the Mayor's Task Force on DBCP. It appeared we were making excellent progress in getting DHS to agree to certain interpretations of applicable regulations which might have alleviated some or all of the problems. However, DHS officials a few weeks ago in an apparent reversal informed us the regulatory language did not permit them to do as we requested.

It appears there may be other avenues, however, which Mr. Dufour's firm could help us explore with regulatory agencies. These would include exemption or waivers, as well as the possibility of special legislation. Since expenditures are now approaching the maximum \$10,000 figure authorized in April, it was requested that the Council and approve appropriate an additional \$10,000 for Dufour & Associates to carry forward efforts for an administrative solution, plus an additional \$1,000 to cover associated expenses.

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RESOLUTION ADOPTED REGARDING DISABILITY
DETERMINATIONS AND THE SUBMISSION
OF DISABILITY APPLICATIONS

RESOLUTION NO. 92-179

CC-34 The City Council was advised that the Public Employees'
CC-300 Retirement System (PERS) has requested that we include a
 provision in our resolution granting authority to
 person/persons within the City of Lodi to submit Disability
 Applications on behalf of its Miscellaneous members.

The City Council rescinded Resolution No. 92-115 and
adopted Resolution No. 92-179 for disability determinations
and the submission of disability applications.

PUBLIC HEARINGS SET FOR CITY OF LODI
UNMET TRANSIT NEEDS

CC-50 (b) The City Council set the following two public hearings to
 receive comments from the public on unmet transit needs:

10:00 a.m. Wednesday, December 2, 1992
Senior Center - Hutchins Street Square; and

7:30 p.m. Wednesday, January 6, 1993
Carnegie Forum.

This is an annual requirement of San Joaquin Council of
Government (COG). The City has been conducting these
hearings both in the daytime and at Council meetings since
the inception of the Dial-A-Ride program.

ITEM REMOVED FROM AGENDA

Agenda item #F-14 entitled, "Set public hearing for
November 18, 1992 for amendment of garbage ordinance to
include industrial waste and to amend the franchise
agreement with Sanitary City Disposal Company" was removed
from the agenda.

ITEM REMOVED FROM THE AGENDA

Agenda item #F-15 entitled, "Salary adjustments for members
of the Firefighters Unit" was removed from the agenda.

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by
City Council Members" segment of the agenda:

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REPORT ON LEAGUE OF CALIFORNIA CITIES
ANNUAL CONFERENCE

Both Mayor Pro Tempore Pennino and Council Member Snider spoke about attending the recent League of California Cities Annual Conference in Los Angeles and reported on some of the very interesting and informative sessions they attended.

CITY OF LODI COMMUNITY CENTER/HUTCHINS STREET
SQUARE WINNER OF THE LEAGUE OF CALIFORNIA CITIES
HELEN PUTNAM AWARD FOR EXCELLENCE

CC-7(i) Council Member Snider announced that the City of Lodi was named the winner of the Helen Putnam Award for Excellence in the Community Development Division for its Community Center/Hutchins Street Square. Further, a special award will be presented to the Old Lodi Union High School Site Foundation for its partnership with the City in developing this site.

QUESTIONS RAISED REGARDING COMPLAINTS RECEIVED
CONCERNING THE NUMBER OF PEOPLE ALLOWED TO
RESIDE IN SINGLE-FAMILY RESIDENCES

CC-16 In response to question raised by Council Member Snider regarding complaints received concerning the number of people allowed to reside in single-family residences, the City Attorney spoke about being regulated by State and Federal regulations involving this subject.

APPOINTMENTS MADE TO THE CITY OF LODI GANG
TASK FORCE

CC-2(q) Mayor Pinkerton made the following Gang Task Force appointments:

- 1) Perfecto Munoz, Woodbridge;
- 2) Severa Salazar, Lodi;
- 3) Bob Shamrock, Lockeford;
- 4) Virginia Lahr, Lodi; and
- 5) Joe Trevino, Lodi.

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MAYOR ACKNOWLEDGED THE POLICE DEPARTMENT'S
MIS-IDENTIFICATION OF PERSON SOLICITING
AN UNDERCOVER OFFICER FOR AN ACT OF
PROSTITUTION

CC-6 Mayor Pinkerton publicly acknowledged the Police
CC-152 Department's mis-identification of a person believed to be
Un Mi Barnes for soliciting an undercover officer for an
act of prostitution and indicated the City's regret
regarding this error.

The Mayor read the following statement regarding the matter:

"On August 5, 1992, a hearing was held before the Lodi City Council on revocation of the Massage Technician's License held by Un Mi Barnes. At that time, Lodi Police Officer Willis Smith testified that during an undercover investigation, a person he believed to be Un Mi Barnes solicited him for an act of prostitution.

It has been subsequently learned that this identification was wrong and the woman with whom Officer Smith dealt was not in fact Un Mi Barnes. The City of Lodi wants to publicly acknowledge this mis-identification and to say we deeply regret the error."

UPDATE ON EFFORTS OF PERMIT PROCESSING COMMITTEE

CC-2(o) Following an inquiry by Mayor Pro Tempore Pennino, the City Council was given a status report on the work of the Permit Processing Committee and when its final report may be expected to be received by the City Council.

"RED RIBBON WEEK" ANNOUNCED

Council Member Hinchman announced that October 21, 1992 is the beginning of "Red Ribbon Week" and applauded the community's support of the program.

MAYOR VOICES CONCERN REGARDING PURPORTED
DELAY OF INSTALLATION OF ELECTRIC METER

CC-16 Mayor Pinkerton reported on a situation involving a local contractor in getting an electric meter installed and directed the City Manager to look into the matter.

"CALIFORNIA JOBS AND FUTURE - COUNCIL
ON CALIFORNIA COMPETITIVENESS"

Mayor Pro Tempore Pennino reported that he had an opportunity to read the "California Jobs and Future -

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Council on California Competitiveness" and asked that the City Manager and Department Heads review the document.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

CITIZEN VOICES NUMEROUS COMPLAINTS

CC-16 Ngugen To Can, P. O. Box 9077, Stockton addressed the City Council regarding her driver's license being suspended and numerous other complaints.

LODI DISTRICT CHAMBER OF COMMERCE
INDICATES THAT AN ECONOMIC DEVELOPMENT
PLAN IS NEEDED BY THE CITY OF LODI

CC-400 Lodi District Chamber of Commerce President Evelyn Olson addressed the City Council indicating that following a planning meeting of Chamber members, it was felt that an economic development plan is needed by the City of Lodi.

CITY COUNCIL CANDIDATE EXPRESSES DISAPPOINTMENT
IN NOT BEING APPOINTED TO THE CITY'S GANG TASK FORCE

CC-16 Marlon DeGrandmont, 2410 Modoc Way, Lodi indicated his
CC-2(q) concern that he was excluded from appointment to the City's Gang Task Force because he is a candidate for City Council in the November 3, 1992 election.

PUBLIC HEARINGS

AMENDMENT OF REFUSE RATES WITHIN THE CITY
OF LODI AND NEW COLLECTION MECHANISM

URGENCY ORDINANCES 1558 AND 1559 ADOPTED

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the amendment of refuse rates within the City of Lodi and a new collection mechanism.

The following information was presented by staff:

AB939 requires the City of Lodi and all California cities to reduce the flow of solid waste to landfills 25% by 1995 and 50% by the year 2000. From the waste characterization studies we have conducted the only means of meeting this requirement is to recycle.

The Solid Waste Management Task Force after much study has recommended to the City Council a curbside recycling

program. The major elements of this plan are that residents will be issued one 38-gallon waste cart to be used for all non-recyclable waste. Residents will be given the option of obtaining one or more 60-gallon carts for recyclables and one or more 90-gallon carts for yard and garden waste. The 38-gallon cart will be picked up every week at the curb and the recyclables and yard and garden waste on alternate weeks.

When this plan was first presented to the City Council, it projected a residential rate increase to \$14.92 for basic service and another increase of 31% to \$19.55 effective April 1, 1993. It also projected a 31% increase for commercial and industrial customers now and an additional 31% in April 1993.

Upon review of the projected rates, staff of the City and Sanitary City Disposal refined these numbers by reducing labor costs, the number of new trucks to be purchased, the City's franchise fee and other operational costs. After this refinement we were able to reduce the rate increase in April 1993 not to exceed \$16.46.

It is recognized there is a segment of our population which cannot take or make arrangements to have the waste carts taken to the street. Also we have a sizable number of families in Lodi who live below the poverty level. In order to alleviate the impact of this program on those citizens, it is recommended that the citizens' advisory board be established to review petitions to continue back yard service and to ascertain if a family is living below the poverty level. If the criteria for not being able to get the waste cart to the curb are met, then back yard service will be continued. If a family is living below the poverty level a reduced rate will be effected. It is suggested this board consist of the following:

- ° Kirk Evans, Administrative Assistant to the City Manager;
- ° One member from the Senior Citizens Commission; and
- ° One member from the Solid Waste Management Task Force.

If a family wishes to continue back yard pick up, this service will be provided. However, there will be a \$10.00 per month surcharge.

This program is designed to provide a strong incentive for the majority of our population to encourage recycling. By only having available a 38-gallon container for solid waste, people will be forced to utilize the opportunity to recycle or pay extra for additional capacity. For those who have little solid waste we can only hope they will avail themselves of the opportunity to recycle.

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There is little doubt this program is expensive. It is very capital intensive. Rear-loader collection trucks will be rarely used as they require two people. Waste carts must be purchased. Finally, the largest cost of all, is the expansion of the material recovery facility. This alone is a project in excess of \$4,000,000 which must be included in the rate.

It must be understood by the City Council that another rate adjustment is contemplated this spring. The initial estimates are that the increase will be 28%. However, it is believed that increase will be significantly lower. We will certainly have a better handle on the actual costs of trucks, waste carts, interest, number of carts actually utilized, the actual costs of operation, and a more clearly defined cost of the Material Recovery Facility.

On means of increasing efficiency and thus reducing costs is to allow service to be shared by families in multi-unit residences. All of the ramifications of this have not been worked out and the City policy on sharing service must be rethought. This is certainly an item that can be considered and included in the implementation.

The budget submitted includes over \$100,000 for community education and awareness. We envision utilizing newspaper and television advertising. One idea has been to contract to have a video-tape prepared that would be suitable for service clubs, church groups and the like.

This program cannot be implemented overnight, but by using equipment on hand, and "begging, borrowing and stealing" resources we can begin the first phase of the program within two weeks and have the whole city involved by February 1, 1993. The City council would be divided into districts and each district would be implemented at the same time.

David Vaccarezza, President Sanitary City Disposal Company gave a very indepth report concerning the proposal and responded to questions as were posed by members of the City Council.

The following persons addressed the City Council regarding the matter:

- a) Joe Ratliff, 1212 Bradford Circle, Lodi;
- b) Marlon DeGrandmont, 2410 Modoc Way, Lodi;
- c) Barbara Bowers, 419 Swallow Lane, Lodi;
- d) Richard Warner, 15 Rio Vista Drive, Lodi;

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- e) Mary Bergantz, 261 South Mills Avenue, Lodi;
- f) Larry Crump, 828 South Rose Street, Lodi;
- g) Dave Mende, 834 Wightman Drive, Lodi;
- h) Eileen St. Yves, 310 South Orange Street, Lodi;
- i) Charlene Crump 828 South Rose Street, Lodi;
- j) Harold Rohrbach, 648 Daisy Avenue, Lodi;
- k) Jim Johnson, 2305 Polk Way, Stockton;
- l) James W. Baum, 3380 East Woodbridge Road, Acampo;
- m) Rene Bayardo, 3530 Plymouth Road, Stockton;
- n) Dorothy Karabetsos, 312 North Pleasant Avenue, Lodi;
- o) Ammon Dennis, 15332 Hilde Lane, Lodi;
- p) Dennis Bennett, 1225 Rivergate Drive, Lodi;
- q) Jay Bell, 335 Louie Avenue, Lodi;
- r) Harold Klein, 411 North Lincoln Avenue, Lodi;
- s) Richard Turner, 555 Capitol Mall, Sacramento;
- t) Luis Paredes, 403 South Central Avenue, Lodi;
- u) Debbie Cox, 9 South Crescent Avenue, Lodi;
- v) Dennis Deg, Chairman of the Solid Waste Management Task Force;
- w) Duane Lindstrom, 360 North Loma Drive, Lodi; and
- x) Jeff Kirst, P. O. Box 1259, Woodbridge, California.

Also addressing the City Council regarding the matter and responding to questions as were posed by the City Council was Mr. John Mapes of Barakat and Chamberlin.

Approximately 25 letters that had been received regarding the matter were presented to the City Council for review.

There being no other persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Hinchman, Snider second, the City Council adopted the following urgency ordinances:

Ordinance No. 1558 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 13.16 Relating to Residential Solid Waste Collection Monthly Rates"; and

Ordinance No. 1559 entitled, "An Uncodified Urgency Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16, Relating to Commercial Solid Waste Collection Monthly Rates".

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Pennino, Snider and Pinkerton (Mayor)

Noes: Council Members - Sieglock

Absent: Council Members - None

Council Member Sieglock stated that the reason that he was voting no was that he objected to the 12% profit margin to be realized by Sanitary City Disposal Company under this proposal.

RECESS

During the course of the public hearing two five-minute recesses were called: one at 9:15 p.m. and the second at 10:55 p.m.

PLANNING COMMISSION REPORT

Community Development Director Schroeder gave the following Planning Commission Report of its meeting of October 12, 1992:

CC-35

a)

The Planning Commission recommended that the issue of development south of Harney Lane be deferred until a future General Plan update when all the issues, alternatives and environmental impacts can be properly addressed with full public input.

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ITEMS OF INTEREST

Further, the Planning Commission -

- b. Conditionally approved the request of Terry Piazza, Baumbach and Piazza Inc. on behalf of Irvin Bender for a lot line adjustment between 705, 709, 715 and 721 Camellia Court in an area zoned R-2, Single-Family Residential.
- c. Continued consideration of the request of Gary Archer for a use permit for a temporary office trailer at 247 Commerce Street in an area zoned M-2, Heavy Industrial until October 26, 1992 because no one was present to represent the applicant.
- d. Conditionally approved the request of Ford Construction Company, Inc. for a use permit for a temporary office trailer at 500 North Cluff Avenue in an area zoned M-2, Heavy Industrial.
- e. Reaffirmed its previous position and required that the reversed frontages fences along Century Boulevard and South Stockton Street in Bangs Ranch Subdivision be grape stake with slumpstone pilaster and base and that the developer deposit with the City for fence maintenance the difference between that fence and masonry fence.

COMMUNICATIONS (CITY CLERK)

ACTION DEFERRED ON APPOINTMENT TO LODI ARTS COMMISSION

CC-2(k) On motion of Council Member Hinchman, Sieglock second, the City Council by the following vote deferred for two weeks action pertaining to the appointment to the Lodi Arts Commission.

Ayes: Council Members - Hinchman, Pennino, Sieglock
and Snider

Noes: Council Members - Pinkerton (Mayor)

Absent: Council Members - None

COMPLAINT RECEIVED REGARDING TRUCKS AND TRAILERS PARKING ON CITY STREET DURING THE NIGHT AND OVER THE WEEKENDS IN THE AREAS OF KEAGLE WAY, MILLS AVENUE AT TOKAY STREET, TURNER ROAD AND CHESTNUT STREET

CC-16 Mayor Pinkerton referred to staff a letter that had been
CC-48(a) received from Mr. Bill Barton complaining about trucks and
trailers parked on City streets during the night and over

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the weekends in the areas of Keagle Way, Mills Avenue at Tokay street, Turner Road and Chestnut Street.

REGULAR CALENDAR

DEVELOPMENT IMPACT MITIGATION FEES AT
225 NORTH GUILD AVENUE (APN 029-040-61)

CC-46
CC-56

The matter was introduced by Assistant City Engineer Richard Prima who advised the City Council that the City received a letter from Mr. Cecil Dillon, of Dillon and Murphy, Consulting Civil Engineers requesting an appearance at a formal meeting of the City Council to discuss the increased development impact mitigation fees for Parcel No. 029-040-61 which is a five-acre vacant parcel located at the southwest corner of Victor Road and Guild Avenue in the Teresi Industrial Park.

The City Council was advised that staff previously discussed with Mr. Dillon the fee issues involved with this parcel and indicated that Council action would be needed to accommodate his request. In short, he feels this parcel should not be subject to the Impact Fees adopted in 1991. Therefore, staff has prepared the following background material on this parcel and its relationship to the Development Impact Mitigation fees.

The subject parcel is one of the remaining portions of the Teresi property originally subdivided with a parcel map in 1985 as part of the development of the Dart Container project. Two subsequent parcel maps for the west side of Guild Avenue were filed in 1985 and 1991. The most recent map created the subject parcel. All were signed by John and Varene Teresi as owners. Public improvements were installed in two phases with property owner, developer, and City participation.

The latest map, filed on September 26, 1991, contained the note:

"Requirements of the Lodi Municipal Code for the dedication of easements, payment of fees and installation of off-site improvements, utilities and well and septic tank abandonments per San Joaquin County permits have not been met at this time and must be met prior to development or issuance of a building permit or when requested by the City."

Prior to that time, the City had confirmed, in a letter to Dillon Engineering that storm drain fees could be deferred until issuance of a building permit. It has been common

practice for industrial and commercial parcel maps to defer fees and improvements until the time of actual development.

During this time frame, as part of the General Plan update, the City discussed and adopted a new fee schedule for development impact mitigation. The schedule updated the commercial and industrial storm drainage fee from \$5,700 per acre to \$10,520 per acre and added an additional \$19,300 per acre in Water, Sewer, Street, Police, Fire, Parks and Recreation, and General City Facilities Impact Mitigation fees for heavy industrial projects.

At the time of adoption in late 1991, the fee ordinance applied the fees to any parcel which had not obtained a building permit. Prior to the effective date of the ordinance, additional Council meetings and hearings were held regarding application of the fees to parcels which had started the development process but had not taken out a building permit.

At the special Council meeting held October 3, 1991, staff presented four alternate policies on Impact fees and existing parcels. After much discussion, the Council adopted Alternate 3. This alternate exempted parcels from additional Impact fees provided they have development approvals (short of a building permit) have paid current Development Impact Mitigation fees (which was the storm drainage fee).

Since the owner had requested and received approval for deferral of fees, staff could not approve Mr. Dillon's request to apply the old fees to this parcel should the owner wish to pay them now. Mr. Dillon noted that the owner would have paid the fees prior to the new fee ordinance had he been aware of the increase. Staff responded that Mr. Teresi had been sent a letter regarding the project on his parcel immediately south of the subject parcel. Apparently the responsibility for payment was in dispute. The City Attorney was contacted by the developers and another letter was sent to them and Mr. Teresi which noted the November 5, 1991 deadline. The developers of the property paid them for the south parcel before the November 5 deadline in order to avoid the increase. The point is, Mr. Teresi was made aware of the fee increase prior to the effective date. Accommodating Mr. Teresi's request now would require a change in the fee ordinance.

It appears there are only two alternative actions for the Council to take:

1. Confirm the existing ordinance which means the subject 5-acre parcel should pay the Impact Fees upon development, or

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2. Give staff policy direction on how Council wants ordinance changed.

Mr. Dillon addressed the City Council regarding the matter and responded to questions as were posed by members of the City Council.

Following discussion, the City Council referred the matter to staff for additional information.

REPORT CONCERNING THE REQUEST OF PROPERTY
OWNERS FOR MODIFICATION OF CITY OF LODI
GENERAL PLAN (SOUTH LODI SANITARY SEWER
STUDY)

CC-21(b)
CC-35(a)
CC-51(a)
CC-176

City Attorney McNatt advised the City Council that at the October 7, 1992 meeting, the City Council was asked by owners of property south of Harney Lane to allow oversizing of a sewer line presently planned to serve the Century Meadows project. The oversizing would provide capacity for (among other things) the property now designated "Planned Residential Reserve" in the General Plan.

Discussions occurred on a number of points, including whether the proposal could be viewed as a change in the development policies contained in the General Plan, and whether environmental clearance would be required. A number of related questions also came up which still have not been answered, such as the actual cost of the oversizing and how much redesign of planned infrastructure would be necessary if this is approved.

The proposal was also considered by the Planning Commission at its meeting of October 12, 1992. A recommendation to the City Council was adopted by a 3 - 2 vote to postpone consideration of this matter until the next General Plan update.

Since the last meeting, the City Attorney has remained in contact with the attorney for the landowners and legal research has continued. While the search has not turned up a completely dispositive answer, he still believes the most cautious approach would be to prepare an environmental impact report. The proponents in good faith feel a negative declaration would be sufficient and are prepared to pay the City's legal costs if the decision is challenged. This is predominantly a question of policy. If the Council desires to move forward on the request, it is possible the action could be challenged. If that occurs, the critical questions would then include:

1. Is this really a change to the General Plan requiring the formalities of a General Plan amendment?

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2. Can the project be accomplished by a negative declaration or would a full EIR be required?

Practical considerations would also have to be addressed including a determination of what, if any, redesign of existing plans for infrastructure would be necessary and how the question of reimbursement would be handled. We still do not know whether the proposed oversizing could be accomplished concurrently with the present construction plans without undue delay.

Addressing the City Council regarding the matter was Attorney-at-Law Steve Herum, P. O. Box 20, Stockton who represented the property owners.

Following a lengthy discussion, on motion of Council Member Pennino, Pinkerton second, the City Council approved the request of the affected property owners to oversize the sanitary sewer lines south of Harney Lane, Southern Pacific right-of-way to Lower Sacramento Road from 8" to 24", provided the owners pay all construction costs of such oversizing including engineering/re-engineering of the installation of the subject line. Further provided that proponents execute an agreement to pay all city costs and expenses incurred in defending the action against challenge to environmental clearance of general plan issues.

BANGS RANCH UNIT NO. 1, TRACT NO. 2560,
FINAL MAP AND RIGHT-OF-WAY

RESOLUTION NO. 92-176

CC-46
CC-300

The City Council was advised that the developer of the Bangs Ranch, a California Limited Partnership, has furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

The subdivision is located on the east side of Stockton Street at Century Boulevard and contains a total of 33 single-family residential lots and 1 lot (Lot 1) which is to be resubdivided at a later date. This project is the first unit in a planned 105-lot single-family residential development. Upon receipt of the plans, fees and other subdivision documentation, final map approval is usually a consent calendar item. However, two items need Council decisions:

Fence

The Planning Commission has required the construction of a right-of-way fence along Stockton Street and Century Boulevard. The original Planning Commission recommendation

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was for a wood fence with slumpstone pilasters similar to the fence along Turner Road at Mokelumne Village and along the south side of Century Boulevard east of Bangs Ranch. The developers have offered to provide one of the following alternatives to meet this requirement.

1. Construct a wood fence as recommended by the Planning Commission and pay the City the difference between the cost of this fence and a solid masonry fence (\$7/LF) if the City will assume ownership and maintenance responsibilities for the fence, or
2. Construct a solid masonry fence for City ownership and maintenance.

This issue is being reviewed with the Planning Commission at their October 12, 1992 meeting and will be discussed more fully with the Council after that meeting. The Public Works Department feels strongly that some provision for maintenance should be made either through private ownership of the fence or payment of maintenance to cover the cost to the City for maintaining the fence.

Requiring private ownership could involve a change in the final map.

Red Curb

In order to avoid unnecessary costs in providing temporary turnarounds for Fire Department equipment, the developers and Fire Department staff have agreed that temporary red curbing could be provided at the knuckles on Fairchild Drive and Squire Way to facilitate the required turning movements. The red curbing would be temporary and would be removed when the streets are extended during the next phase of this development.

Staff recommended that the City Council accept public ownership of the right-of-way fence at Bangs Ranch and establish a maintenance fund from a developer contribution of \$7 per lineal foot of fence.

Further, the City Council was advised that the Planning Commission has required the construction of a right-of-way fence along Stockton Street and Century Boulevard. The original Planning Commission recommendation was for a grape stake fence with slumpstone pilasters similar to the fence along Turner Road at Mokelumne Village and along the south side of Century Boulevard east of Bangs Ranch. The developers have offered to provide one of the following alternatives to meet this requirement:

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1. Construct a grape stake fence as recommended by the Planning Commission and pay the City the difference between the cost of this fence and a solid masonry fence (\$7/LF) if the City will assume ownership and maintenance responsibilities for the fence, or
2. Construct a solid masonry fence for City ownership and maintenance.

This issue was reviewed with the Planning Commission at their October 12, 1992 meeting. The Commission reaffirmed their desire for a masonry/grape stake fence instead of a solid masonry fence. The Public Works Department has stated in the past that some provision for maintenance should be made, either through private ownership of the fence or payment of maintenance to cover the cost to the City for maintaining the fence. The developer's offer of \$7 per lineal foot will provide a reasonable amount of cash to pay for future maintenance. Given this, the Planning Commission's recommendation, and the aesthetic value and relative graffiti resistance of a grape stake fence, the Public Works Department recommends the City accept the offer of dedication of the fence and the maintenance fund.

On motion of Council Member Hinchman, Pinkerton second, the City Council adopted Resolution No. 92-176 approving the final map for Bangs Ranch Unit No. 1, Tract No. 2560, and directed the City Manager and City Clerk to execute the improvement agreement and map on behalf of the City. Further, the City Council approved the construction by the developers of a grape stake fence as recommended by the Planning Commission and payment to the City by the developers of the difference between the cost of this fence and a solid masonry fence (\$7/LF). The City Council accepted public ownership of the right-of-way fence at Bangs Ranch and established a maintenance fund from a developer contribution of \$7 per lineal foot of fence. Further, the Council approved temporary red curbing at the knuckles on Fairchild Drive and Squire Way at the intersection with Dunsmuir Drive to provide turnaround capability for fire equipment per Fire Department requirements.

EXTENSION OF OPTION TO LEASE REAL PROPERTY
AT BLAKELY PARK BY THE LODI BOYS AND
GIRLS CLUB APPROVED

CC-27(b)

The subject was introduced by City Attorney McNatt and Parks and Recreation Director Ron Williamson who advised the City Council that in 1988, an option to lease real property at Blakely Park was executed between the City and the Lodi Boys and Girls Club. The option granted the Club

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the exclusive right to lease 29,000 square feet of land at Blakely Park for the construction of a clubhouse facility. This option expires December 31, 1992. It is the desire of the Lodi Boys and Girls Club to extend the option and progress has been made toward completion of the project.

At the last meeting of the Parks and Recreation Commission, a recommendation was adopted to extend the option for a three-year period through December 1995. It was further recommended that if the City constructs any improvements such as basketball courts on the subject property between now and the time the option is exercised, that the Boys and Girls Club agree to pay for relocation costs of such facilities.

On motion of Mayor Pro Tempore Pennino, Sieglock second, the City Council approved the extension of the option to lease real property at Blakely Park by the Lodi Boys and Girls Club for a three-year period through December 1995. Further, the City Council directed that if the City constructs any improvements such as basketball courts on the subject property between now and the time the option is exercised, that the Boys and Girls Club must agree to pay for relocation costs of such facilities. It was further suggested that the Lodi Boys and Girls Club look at developing a site plan now.

ORDINANCES There were no ordinances presented for adoption.

CLOSED SESSION LABOR RELATIONS

CC-200(a) At approximately 11:55 p.m. the City Council met in Closed Session regarding labor relations.

ADJOURNMENT There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 12 midnight.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk